

**CITY OF HAYWARD
AND
HAYWARD POLICE OFFICER'S ASSOCIATION
SIDE LETTER OF AGREEMENT**

Regarding Bilingual Pay

This Side Letter of Agreement is made between the City of Hayward (City) and the Hayward Police Officer's Association ("HPOA") to amend certain provisions of the current Memorandum of Understanding effective July 1, 2004 and extended through 12:01 am July 1, 2019 (hereinafter referred to as "2004-2019 MOU") between parties regarding bilingual pay.

The City and the HPOA agree that the terms of this Side Letter of Agreement shall become effective July 27, 2015 and shall remain in effect for the remainder of the term of the 2004-2019 MOU and until the parties have completed the meet and confer process for a successor MOU.

Bilingual Pay

Section 7.13 of the current 2004 – 2019 MOU is deleted and replaced with the following language:

The Chief of Police or designee shall identify those employees who are required in the performance of their duties to converse and/or communicate in writing with the public in a language other than English. Employees so designated who have demonstrated their competency in a second language by successfully completing a fluency test administered through the Human Resources Department, by a third party vendor, shall receive bilingual pay as provided below

1. Employees who are required in the performance of their duties to converse with the public in a language other than English, and who have demonstrated their competency in a second language by successfully completing a fluency test administered through the Human Resources Department, shall receive bilingual pay in the amount of thirty dollars (\$30) per pay period.
2. Employees who are required in the performance of their duties to converse with the public and communicate in writing and/or translate official written documents in a language other than English and who have demonstrated their competency in a second language by successfully completing a fluency test administered through the Human Resources Department, shall receive bilingual pay in the amount of one hundred dollars (\$100) per pay period.

In no event shall an employee receive more than one hundred dollars (\$100) per pay period for bilingual pay pursuant to this section. The City may test an employee to confirm their bilingual competency at any time if the City has a reasonable cause to question the employee's skills. The parties mutually agree that the competency testing shall be administered by a third party vendor and that the testing process is not subject to grievance. Employees who do not demonstrate continued competency will cease receiving bilingual pay until such time competency is again demonstrated.

If an employee is deemed ineligible for bilingual pay due to competency testing, he or she can appeal the issue of whether the City had reasonable cause to test, up to the Director of Human Resources or to such representative as he or she may designate. The grievance may be presented in writing either by the employee or by an authorized union representative to the Director of Human Resources Director or a designated representative. The Director of Human Resources shall have seven (7) working days from date of receipt of the grievance to respond. Should the grievance remain unresolved, the grievance may be presented in writing either by the employee or by an authorized union representative to the City Manager or to such representative as he or she may designate. The City Manager shall have seven (7) working days from the date of receipt of the grievance to respond.

The Chief of Police shall regularly review the Department's need for bilingual services and retains the discretion to recommend to the City Manager whether it is necessary to increase or decrease the number of personnel required to converse and/or write in a language other than English in the performance of their duties.

Executed on this 29th day of July, 2015 at Hayward, California.

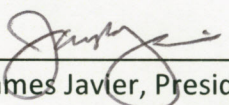
For the City of Hayward:



Fran David
City Manager

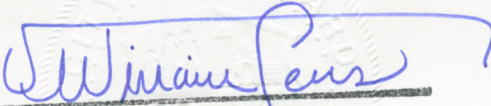


Nina S. Collins
Director of Human Resources



James Javier, President
Hayward Police Officer's Association

ATTEST:



Miriam Lens, City Clerk